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Thomas Cochrane

AN ACT
TO INCORPORATE
MEDICAL SOCIETIES,

FOR THE PURPOSE OF REGULATING
THE PRACTICE
OF PHYSIC AND SURGERY
IN THIS STATE,

PASSED THE 4TH OF APRIL, 1806:

TOGETHER WITH THE

Bye Laws

OF THE MEDICAL SOCIETY
OF THE COUNTY OF NEW-YORK,

INCORPORATED ON THE 1ST DAY OF JULY, 1806.

PUBLISHED BY ORDER OF THE SOCIETY,

NEW-YORK: 21604

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1806.

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AN ACT,

To Incorporate Medical Societies, for the purpose of regulating the Practice of Physic and Surgery in this State, passed April 4th, 1806.

WHEREAS well regulated medical societies have been found to contribute to the diffusion of true science, and particularly the knowledge of the healing art : Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the physicians and surgeons, in the several counties of this state, now authorised by law to practise in their several professions, to meet together on the first Tuesday of July next, at the place where the last term of the court of common pleas next previous to such meeting was held in their respective counties ; and the several physicians and surgeons so convened as aforesaid, or any part of them, being not less than five in number, shall proceed to the choice of a president, vice-president, secretary and treasurer

er, who shall hold their offices for one year, and until others shall be chosen in their places ; and whenever the said societies shall be so organized as aforesaid, they are hereby declared to be bodies corporate and politic, in fact and in name, by the names of the medical society of the county where such societies shall respectively be formed, and by that name shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all matters and causes whatsoever, and shall and may have a common seal, and may alter and renew the same at their pleasure.

And be it further enacted, That there shall be a general medical society, to be composed of one member from each of the county societies in the state, elected by ballot at their annual meeting, who shall meet together at the city of Albany, on the first Tuesday of February next, and being so met, not less than fifteen in number, may proceed by ballot to the choice of a president, vice-president, secretary and treasurer, who shall hold their offices for one year, and until others shall be chosen in their places ; and the said society being so organized as aforesaid, shall be and they are hereby declared to be a body corporate and politic, in fact and in name, by the name of "*The Medical Society of the State of New-York,*" and by that name shall be in law capable of suing and being sued, pleading and being impleaded,

answering and being answered unto, defending and being defended, in all courts and places, and in all matters and causes whatsoever, and shall and may have and use a common seal, and may change and alter the same at their pleasure.

And be it further enacted, that the medical society of the state of New-York, and also the medical societies of the respective counties, shall and may agree upon and determine the times and places of their next meeting, and the time so agreed upon shall forever thereafter be the anniversary day of holding their respective meetings ; and it is hereby made the duty of the secretary of each of the county medical societies, to lodge in the office of the clerk of their respective counties, a copy of all the proceedings had at their first meetings within twenty days after such meetings ; and it shall also be the duty of the secretary of the medical society of the state of New-York, to lodge in the office of the secretary of this state, a copy of their proceedings had at their first general meeting ; and the said clerks and secretaries are hereby required to file the same in their respective offices, for which they shall receive the sum of twelve and an half cents.

And be it further enacted, That the medical societies established as aforesaid, are hereby respectively empowered to examine all students who shall or may present themselves

for that purpose, and to give diplomas under the hand of the president and seal of such society before whom such student shall be examined, which diploma shall be sufficient to empower the person so obtaining the same to practise physic or surgery, or both, as shall be set forth in said diploma, in any part of this state, and the person receiving such diploma shall, upon the reception of the same, pay to the president of said society, the sum of two dollars for the use of the said society.

And be it further enacted, That if any student who shall have presented himself for examination before any of the medical societies of the several counties of this state, shall think himself aggrieved by the decision of such society, it shall be lawful for such student to present himself for examination to the medical society of the state of New-York; and if, in the opinion of such society, the student so applying is well qualified for the practice of physic or surgery, or both, as the case may be, the president of said society shall, under his hand and seal of such society, give to the said applicant a diploma agreeable to such decision, the said applicant paying therefor to the said president the sum of two dollars.

And be it further enacted, That it shall and may be lawful for the several medical societies so established as afore said, at their annual meetings to appoint not less than three nor

more than five censors, to continue in office for one year, and until others are chosen, whose duty it shall be carefully and impartially to examine all students who shall present themselves for that purpose, and report their opinion in writing to the president of said society.

And be it further enacted, That from and after the first day of September next, no person shall commence the practice of physic or surgery within any of the counties of this state, until he shall have passed an examination and received a diploma from one of the medical societies to be established as aforesaid; and if any person shall so practise without having obtained a diploma for that purpose, he shall forever thereafter be disqualified from collecting any debt or debts incurred by such practice in any court of this state.

And be it further enacted, That it shall and may be lawful for the medical societies of the respective counties in this state, which shall be established by virtue of this act, and also the medical society of the state of New-York, to purchase and hold any estate real and personal for the use of the said respective societies; *Provided* such estate as well real as personal, which the county societies are hereby respectively authorized to hold, shall not exceed the sum of one thousand dollars; and that the estate as well real as personal, which the medical society of the state of New-

York is hereby authorised to hold, shall not exceed five thousand dollars.

And be it further enacted, That it shall be lawful for the respective societies to be established by virtue of this act, to make such bye-laws, rules and regulations relative to the affairs, concerns and property of said societies, relative to the admission and expulsion of members; relative to such donations or contributions as they or a majority of the members at their annual meeting shall think fit or proper: *Provided* that such bye-laws, rules and regulations made by the society of the state of New-York, be not contrary to nor inconsistent with the constitution and laws of this state, or of the United States, and that the bye-laws, rules and regulations of the respective county societies shall not be repugnant to the bye-laws, rules and regulations of the medical society of the state of New-York, nor contrary to nor inconsistent with the constitution and laws of this state, or of the United States.

And be it further enacted, That the treasurer of each society established as aforesaid, shall receive and be accountable for all monies that shall come into his hands by virtue of any of the bye-laws of such society, and also for all monies that shall come into the hands of the president thereof for the admission of members or licensing students, which monies the said president is hereby required to pay over to

the said treasurer, who shall account therefor to the society at their annual meetings ;—and no monies shall be drawn from the treasurer unless such sums and for such purposes as shall be agreed upon by a majority of the society at their annual meeting, and by a warrant for that purpose signed by the president.

And be it further enacted, That it shall be the duty of the secretary of each of the medical societies, to be established by virtue of this act, to provide a book, in which he shall make an entry of all the resolutions and proceedings which may be had from time to time, and also the name of each and every member of said society, and the time of his admission ; and also the annual reports relative to the state of the treasury, and all such other things as a majority of the society shall think proper, to which book any member of the society may at any time have recourse, and the same, together with all books, papers and records which may be in the hands of the secretary and be the property of the society, shall be delivered to his successor in office.

And be it further enacted, That it shall be lawful for each of the medical societies to be established by virtue of this act, to cause to be raised and collected from each of the members of the society a sum not exceeding three dollars in any one year, for the purpose of procuring a medical library and apparatus, and for the encouragement of useful dis-

coveries in chemistry, botany and such other improvements as the majority of the society shall think proper.

And be it further enacted. That nothing in this act contained shall be construed to prevent any person coming from any other state or country from practising physic or surgery within this state, such person being duly authorized to practise by the laws of such state or country, having a diploma from a regular medical society, nor to compel any student who may have commenced his studies previous to the first day of January, one thousand eight hundred and five, to be examined by such society and licensed in manner aforesaid, if such student shall choose to study four years and be licensed in the manner now prescribed by law : *Provided, however,* That none of the societies established as aforesaid, shall proceed to the examination of any student in order to license him for the practice, until such student shall have produced satisfactory testimony that he had regularly studied physic or surgery, or both, as the case may be, with one or more reputable practitioner or practitioners for the term of three years.

And be it further enacted, That it shall be in the power of the legislature to alter, modify or repeal this act, whenever they shall deem it necessary or expedient.

And be it further enacted, That the act, entitled “ an act to regulate the practice of physic and surgery in this state,”

be and the same is hereby repealed from and after the first day of September next.

And be it further enacted, That if there should not be a sufficient number of physicians and surgeons in any of the counties of this state to form themselves into a medical society by virtue of this act, it shall be lawful for such physicians and surgeons to associate with the physicians and surgeons of an adjoining county for the purposes hereby contemplated.

And be it further enacted, That if the physicians and surgeons of any county or counties of this state should not meet and organize themselves at such time and place as is required by this act, it shall be lawful for them to meet at such other time as a majority of them shall think proper, and their proceedings shall be as valid as if such meeting had been at the same time provided for by this act.

And be it further enacted, That this act shall be and hereby is declared to be a public act.

Bye-Laws

OF THE

MEDICAL SOCIETY

OF THE

COUNTY OF NEW-YORK.

The following gentlemen have been chosen Charter Officers of the Medical Society of the county of New-York, according to the act of the Legislature for their incorporation.

President,

DR. NICHOLAS ROMAYNE.

Vice-President,

DR. JAMES TILLARY.

Delegate to the State Society,

THE HON. DR. SAMUEL L. MITCHILL.

Censors,

DR. JOHN R. B. RODGERS,

DR. WRIGHT POST,

DR. WILLIAM HAMERSLEY,

DR. JAMES S. STRINGHAM,

DR. DAVID HOSACK.

Treasurer,

DR. VALENTINE SEAMAN,

Secretary,

DR. ARCHIBALD BRUCE.

BYE-LAWS,

ENACTED AT THE FIRST ANNIVERSARY MEETING OF
THE MEDICAL SOCIETY OF THE COUNTY
OF NEW-YORK.



CHAPTER I.

Of the Meetings of the Society.

SECT. 1. The Anniversary meeting of this Society shall be held on the first Monday in July, in every year, and the Quarterly meetings shall be on the first Monday in October, January, and April, in every year.

SECT. 2. Extraordinary meetings of this Society may be called by the President, or in his absence by the Vice-President, at a request in writing, signed by twenty members, which meetings shall be previously advertised for at

least ten days, by the secretary, in two newspapers published in the City of New-York.

SECT. 3. The Society may adjourn from day to day, after their Anniversary, Quarterly or Extraordinary meetings.

SECT. 4. Twenty-five members shall be a quorum to constitute the Society at their stated or extraordinary meetings and may then proceed to business.

SECT. 5. In the absence of the President, Vice-President, Censors and Treasurer, the senior member on the Roll shall preside.

SECT. 6. In case of any pestilential disease prevailing in the city of New-York, no member shall be obliged to attend any stated or extraordinary meeting of the Society.

SECT. 7. The President, and other officers of the Society, shall constitute a Comitia Minora to meet on the last Wednesday in every month.

SECT. 8. The President shall be empowered to call an extraordinary meeting of the Comitia Minora, whenever he shall deem it necessary.

SECT. 9. The Journal of the proceedings of the Comitia Minora shall be kept by the Secretary of this Society

which shall be laid before the Society at their Stated and Extraordinary meetings.

SECT. 10 The Comitia Minora may make rules and regulations for themselves, not inconsistent with the charter and bye-laws of this corporation.

SECT. 11. The President or Vice-President, together with three censors, may constitute a meeting of the comitia minora.

CHAPTER II.

Order of Business.

SECT. 1. At every stated and extraordinary meeting of this society, the roll shall be called by the secretary after the president shall have declared the society constituted.

Minutes of the last meeting shall be read.

The motions and other unfinished business of the last meeting shall be concluded.

Miscellaneous business.

The last roll called.

Society adjourned.

CHAPTER III.

Duties of the President.

SECT. 1. It shall be the duty of the president to preside at all meetings of the society and to preserve order and decorum in the same.

SECT. 2. The president shall perform the duties prescribed to him by law, and the bye-laws and resolutions of the society.

SECT. 3. The president shall nominate and appoint all committees for transacting the business of the society, unless otherwise appointed by special resolution.

SECT. 4. He shall take the sense of the society on every motion made and seconded. He shall also have a casting vote in all transactions where the votes of the society are equally divided.

CHAPTER IV.

Duties of the Vice-President.

SECT. 1. The vice-president, in the absence of the president, shall preside, and perform all the duties of the president.

CHAPTER V.

Duties of the Censors.

SECT. 1. The censors shall perform all the duties prescribed by law, the bye-laws, and resolutions of the society.

SECT. 2. In the absence of the president and vice-president, the senior censor on the list shall preside at the meetings of the society.

CHAPTER VI.

Duties of the Secretary.

SECT. 1. The secretary shall perform all the duties of his office, as directed by law, the bye-laws and the resolutions of the society.

CHAPTER VII.

Duties of the Treasurer.

SECT. 1. The treasurer shall perform all the duties of his office, as directed by law, the bye-laws, and resolutions of the society.

CHAPTER VIII.

Duties of the Delegate.

SECT. 1. The Delegate shall perform all the duties prescribed by law.

SECT. 2. He shall support the honor and dignity of this society.

SECT. 3. He shall obey all orders, and resolutions of this society, which may be proper and consistent with his appointment.

CHAPTER IX.

Ordinary Members.

SECT. 1. The ordinary members shall consist only of physicians and surgeons, as stated in the law for incorporating this society.

SECT. 2. No person shall be a candidate after the first of September, unless he be a physician or surgeon, according to the present or future laws of the state.

SECT. 3. Any physician or surgeon who shall become a

member of this society after the first of September, 1806, and shall abandon his profession, and pursue some other calling, shall be considered as having vacated his seat in this society.

SECT. 4. All members of this society shall leave evidence with the secretary, of their having registered their diplomas or licenses to practise physic and surgery according to law, to be deposited in the archives of the society, and shall sign the bye-laws on or before the first of September, 1806.

SECT. 5. Every member who signs the bye-laws and regulations of this society shall designate in Latin or English the county, state or country of his birth, and the medical rank or station now or formerly held by him.

SECT. 6 Every member shall observe order and decorum in the society, and shall pay proper respect to the president and other officers, as well as to their fellow members.

SECT. 7. It is considered the duty of every member of this society to support the honor and dignity of the medical profession, and to execute the duties of it with justice and propriety.

CHAPTER X.

Admission of new members.

SECT. 1. No physician or surgeon can be admitted a member of this society, unless he has attained the age of 22 years.

SECT. 2. Every candidate shall be proposed at one stated meeting and ballotted for at the next, and if he shall have a majority of votes of the members present at such stated meeting, he shall become a member of this society.

CHAPTER XI.

Honorary Members.

SECT. 1. The Governor and chancellor of the state, and the Mayor of the City of New-York for the time being, shall be, ex officio, honorary members of this society, and shall have all the privileges of ordinary members except that they shall not vote at elections.

CHAPTER XII.

Licenses for Practice.

SECT. 1. All persons who are to be licensed for the prac-

tice of phyfic and furgery, fhall be recommended by the comitia minora, at one of the ftated meetings of the fociety, and fhall fubject themfelves to fuch ceremonies as the Coaritia Minora fhall approve and direct.

CHAPTER XIII.

Fines and Contributions.

SECT. 1. A member fhall be fined 25 cents for every roll call from which he fhall have been abfent.

SECT. 2. The annual contributions of each member of this fociety fhall be fixed at 3 dollars, to be collected by the Treafurer after every anniversary meeting.

Med. Hist.

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